

### **REMARKS/ARGUMENT**

Claims 1-20 are pending in the present application. Claims 1, 5, 11, 15, and 17 are amended herein. Claim 20 is new.

Independent claims 1 and 11 are amended herein to recite *inter alia* (i) first outer display elements or first exterior display elements, (ii) second outer display elements or second exterior display elements, and (iii) the substructure being substantially concealed from a player's view during normal operation of the gaming machine by outer display elements or exterior display elements.

Independent claim 5 is amended herein to recite *inter alia* (i) first exterior display elements, and (ii) second exterior display elements.

Independent claim 17 is amended herein to recite *inter alia* (i) exterior display elements, (ii) at least a portion of the exterior display elements between the first and second games have different shapes, and (iii) the substructure being substantially concealed from a player's view during normal operation of the gaming machine by one or more exterior display elements.

New claim 20 recites, *inter alia*, that the cable chase is vertically oriented within the substructure.

Support for the claim amendments and new claim can be found, for example, in FIGs. 3-8 and in ¶¶ [0025]-[0027], [0031], and [0034] of the present application as published in U.S. Patent Application Publication No. US 2005/0054449. No new matter has been added.

Additional discussion of the currently pending claims are provided below. Reconsideration and allowance are respectfully requested in view of the following remarks.

### **Personal Interview and Interview Summary**

The Applicants note with appreciation the interview with Examiners Hotaling and Torimiro on March 13, 2008. The Applicants have amended claims 1, 5, 11, 15, and 17 to clarify the invention.

During the interview, the Applicants pointed out the differences between prior art cited in the Office action, U.S. patent documents 4,440,457 (“Fogelman”) and 6,135,884 (“Hedrick”), and the claimed invention. Specifically, Applicants discussed the references’ lack of disclosure of a standardized substructure configured to support different sets of exterior display elements associated with different games, as recited, for example, in amended claim 17. Applicants further discussed the references’ lack of disclosure of at least a portion of the exterior display elements between the first and second games having different shapes. The Examiners agreed that they would consider such amendments in furthering the prosecution of the present application.

### **Obviousness Rejection Based on Fogelman**

In the January 24, 2008 final Office action, claims 1-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fogelman in view of Hedrick. These rejections are respectfully traversed.

Fogelman discloses a universal video game cabinet having a means for providing quick change of the game and the identifying display information. (*See* column 1, lines 8-10). Fogelman further discloses plug-in cards or program chips to quickly change an electronic game by opening a door to the electronics and removing prior game chips or cards and replacing them with new cards or chips. (*See* column 2, lines 64-68). Fogelman also provides for replacing display panels around a video monitor and an information panel (typically carrying the name and/or logo) positioned at the forwardmost portion of the overhang. (*See* FIGs. 1 and 6; column 3, lines 1-5; column 4, lines 14-20). Fogelman’s information panel can be removed simply by loosening screws, letting the panel drop down, and replacing the panel with a suitable display panel. (*See* FIGs. 1 and 6; column 4, lines 18-22). As noted in the Office Action, Fogelman does not teach at least a portion of the second display elements have a different shape than the first display elements.

Hedrick does not overcome the deficiencies of Fogelman. Hedrick discloses a gaming machine having different types of secondary displays, such as, a liquid crystal display, a cathode ray tube, a field emission device, a plasma display, and a DMD. (Abstract). While Hedrick may

disclose different shaped secondary or top box displays, Hedrick's secondary displays are not—nor are they capable of being—converted from one shape to another shape. Hedrick merely discloses different shaped, independent secondary displays that are attached to a gaming machine. Once Hedrick's secondary display is formed, there is no apparent disclosure or suggestion that the secondary display can be converted or changed from one shape to another.

#### Independent Claim 1

Fogelman in view of Hedrick does not disclose or suggest *inter alia* (i) installing a plurality of second outer display elements on a standardized substructure of a top box in place of a plurality of first outer display element, or (ii) that at least a portion of the second outer display elements have a different shape than the first outer display elements, as recited by amended claim 1. Furthermore, Fogelman in view of Hedrick does not disclose that the first outer display elements and the second outer display elements substantially enclose the front and sides of a top box, as further recited in amended claim 1.

In contrast, Fogelman only discloses, for example, replacing display panels that are shown to be flat<sup>1</sup> and of the same size in all the figures. (*See, e.g.*, FIGs. 1, 3, 6, 8, and 9; column 3, lines 54-61). In further contrast, Fogelman's disclosure is limited, for example, to an overhang having a single, flat information display panel and an overhang and groove suggestive of only being able to replace the single panel with one of a similar shape. (*See, e.g.*, FIGs. 1, 3, 6, and 9; column 4, lines 14-27). Additionally, Fogelman's disclosure is limited to the replacement of display panels located on the front of a game cabinet. (*See, e.g.*, FIGs. 1, 3, 6 and 9). Hedrick does not overcome Fogelman's deficiencies. For example, Hedrick only appears to disclose different types and different shaped top boxes rather than a gaming machine convertible from play of a first game to play of a second game with outer display elements supported on a standardized substructure of the top box. That is, once Hedrick's top box display is formed, there is no apparent disclosure or suggestion that the top box display can be converted from one shape to another.

---

<sup>1</sup> In addition to only showing flat panels, Fogelman's use of the term "panel" suggests the disclosure is limited to flat objects. See <http://www.m-w.com/dictionary/panel> (defining the term panel as "a thin usually rectangular board set in a frame (as in a door)" and "a flat usually rectangular piece of construction material...made to form part of a surface") (last visited on October 28, 2007).

Since all the elements of amended claim 1 cannot be found in Fogelman in view of Hedrick, a *prima facie* case of obviousness has not been established. For at least these reasons, neither of Fogelman and Hedrick, either alone or in combination, discloses or suggests independent claim 1.

#### Independent Claim 5

Fogelman in view of Hedrick does not disclose or suggest *inter alia* that (i) second exterior display elements associated with a second game, the second exterior display elements adapted to mount to a standardized substructure of a top box display in place of first exterior display elements associated with a first game after the first exterior display elements are removed from the substructure, and (ii) at least a portion of the second exterior display elements have a different shape than the first exterior display elements, as recited in amended claim 5.

In contrast, Fogelman only discloses, for example, replacing display panels that are shown to be flat and of the same size in all the figures. (*See, e.g.*, FIGs. 1, 3, 6, 8, and 9; column 3, lines 54-61). In further contrast, Fogelman's disclosure is limited, for example, to an overhang having a single, flat information display panel and an overhang and groove suggestive of only being able to replace the single panel with one of a similar shape. (*See, e.g.*, FIGs. 1, 3, 6, and 9; column 4, lines 14-27). Additionally, Fogelman's disclosure is limited to the replacement of display panels located on the front of a game cabinet. (*See, e.g.*, FIGs. 1, 3, 6, and 9). Hedrick does not overcome the deficiencies of Fogelman. As discussed above, Hedrick only appears to disclose different types and different shaped top boxes rather than second exterior display elements adapted to mount to a standardized substructure of a top box display in place of first exterior display elements, as recited in claim 5. That is, once Hedrick's top box display is formed, there is no apparent disclosure or suggestion that the top box display can be converted from one shape to another.

Since all the elements of amended claim 5 cannot be found in Fogelman in view of Hedrick, a *prima facie* case of obviousness has not been established. For at least these reasons, neither of Fogelman and Hedrick, either alone or in combination, discloses or suggests independent claim 5.

### Independent Claim 11

Fogelman in view of Hedrick does not disclose or suggest *inter alia* (i) a standardized internal substructure configured to support one or more first outer display elements associated with a first game when a machine is operable to play the first game, (ii), the substructure further configured to support second outer display elements associated with a second game, (iii) the second outer display elements adapted to mount to the substructure in place of the first outer display elements after the first display elements are removed from the substructure, and (iv) at least a portion of the second outer display elements have a different shape than the first outer display elements, as recited in amended claim 11.

In contrast, Fogelman only discloses, for example, replacing display panels that are shown to be flat and of the same size in all the figures. (*See, e.g.*, FIGs. 1, 3, 6, 8 and 9; column 3, lines 54-61). In further contrast, Fogelman's disclosure is limited, for example, to an overhang having a single, flat information display panel and an overhang and groove suggestive of only being able to replace the single panel with one of a similar shape. (*See, e.g.*, FIGs. 1, 3, 6 and 9; column 4, lines 14-27). Additionally, Fogelman's disclosure is limited to the replacement of display panels located on the front of a game cabinet. (*See, e.g.*, FIGs. 1, 3, 6 and 9). Hedrick does not overcome the deficiencies of Fogelman. As discussed above, Hedrick only appears to disclose different types and different shaped top boxes rather than second outer display elements adapted to mount to a standardized substructure in place of a top box display in place of first outer display elements, as recited in claim 11. That is, once Hedrick's top box display is formed, there is no apparent disclosure or suggestion that the top box display can be converted from one shape to another.

Since all the elements of amended claim 11 cannot be found in Fogelman in view of Hedrick, a *prima facie* case of obviousness has not been established. For at least these reasons, neither of Fogelman and Hedrick, either alone or in combination, discloses or suggests independent claim 11.

### Dependent Claims 2-4, 9, 10, 15, 16, and 18-19

Amended claims 2-4, 9, 10, 15, 16, and 18-19 depend from amended claim 1, 5, 11, and 17, respectively, and are not rendered obvious by Fogelman in view of Hedrick for at least the

reasons discussed above in connection with claims 1, 5, 11, and/or 17. Accordingly, claims 2-4, 9-10, 15-16 and 18-19 are in a condition for allowance.

Furthermore, in contrast to claims 3, 9, and 15 and any suggestions in the Office action to the contrary, Fogelman's disclosure is limited, for example, to a single display panel on an overhang, and thus, does not disclose installing display elements on the substructure of a top box, such as sculptures, video displays, and mechanical displays, as recited in amended claim 3, 9, and 15. In addition, the Office action suggests that Fogelman discloses "side facing artwork". (Office action, p. 4). While Fogelman does disclose side panels for the overall gaming cabinet, Fogelman does not disclose side facing artwork panels for a top box, as recited in claims 4, 10, and 16. Rather, Fogelman's disclosure is limited to front facing display panels. (*See, e.g.*, FIGs. 1, 3, 6, and 9).

For at least the reasons cited herein, claims 2-4, 9, 10, 15, 16, and 18-19 are not rendered obvious by Fogelman in view of Hedrick, and thus, should be in a condition for allowance.

#### Independent Claim 17

Fogelman in view of Hedrick does not disclose or suggest, *inter alia*, (i) a standardized internal substructure substantially concealed from a player's view during the normal operation of a gaming machine by one or more exterior display elements, (ii) the substructure configured to support different sets of exterior display elements depending upon which of first and second games that the machine is operable to play, (iii) at least a portion of the exterior display elements between the first and second games have different shapes, and (iv) at least a portion of the exterior display elements include side panels for the top box, as recited by amended claim 17.

In contrast, Fogelman only discloses, for example, replacing display panels that are shown to be flat and of the same size in all the figures. (*See, e.g.*, FIGs. 1, 3, 6, 8, and 9; column 3, lines 54-61). In further contrast, Fogelman's disclosure is limited, for example, to an overhang having a single, flat information display panel and an overhang and groove suggestive of only being able to replace the single panel with one of a similar shape. (*See, e.g.*, FIGs. 1, 3, 6, and 9; column 4, lines 14-27). Additionally, Fogelman's disclosure is limited to the replacement of display panels located on the front of a game cabinet. (*See, e.g.*, FIGs. 1, 3, 6 and

9). Hedrick does not overcome the deficiencies of Fogelman. As discussed above, Hedrick only appears to disclose different types and different shaped top boxes rather a standardized internal substructure configured to support different sets of exterior display elements depending upon which of first and second games that the machine is operable to play, as recited in claim 17. That is, once Hedrick's top box display is formed, there is no apparent disclosure or suggestion that the top box display can be converted from one shape to another.

Since all the elements of amended claim 17 cannot be found in Fogelman in view of Hedrick, a *prima facie* case of obviousness has not been established. For at least these reasons, neither of Fogelman and Hedrick, either alone or in combination, discloses or suggests independent claim 17.

**Obviousness Rejection Based on Fogelman  
in view of Hedrick and Seelig**

In the January 24, 2008 final Office action, claims 6-8 and 12-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fogelman in view of Hedrick and in further view of Seelig US 2004/0051249. These rejections are respectfully traversed.

Seelig discloses a gaming device base having a wire chase for storing electrical wires. (See FIG. 5; ¶¶ [0013], [0017], and [0054]). Seelig further discloses a vertical wire partition and a vertical member in the gaming device base that define a gap in between them through which electrical wires run through a horizontal wire chase. (See ¶ [0054]). It is noteworthy that Seelig only discloses a wire chase for the base of a gaming device and does not disclose a wire chase for a standardized substructure of a top box of a gaming machine, as recited in claims 6-8 and 12-14.

Furthermore, claims 6-8 and 12-14 depend either directly or indirectly from independent claims 5 and 11, respectively. As discussed above, since all the elements of amended claims 5 and 11 cannot be found in Fogelman in view of Seelig, a *prima facie* case of obviousness has not been established. Seelig does not overcome the deficiencies discussed above for claims 5 and 11.

For at least these reasons, none of Fogelman, Hedrick, Seelig, or any combination thereof, discloses or suggests dependent claims 6-8 and 12-14.

**New Claim 20**

New claim 20 depends directly from claim 12 and indirectly from independent claim 11, which as discussed above, are not disclosed by Fogelman in view of Hedrick and in further view of Seelig. Unlike Seelig, claim 20 recites a cable chase vertically oriented within the top box display having a standardized internal substructure. For at least these reasons, new claim 20 should be allowed.

**CONCLUSION**

Applicants submit that claims 1-20 are in condition for allowance and action toward that is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (312) 425-8552.

It is believed that no additional fees are due, except for the RCE fee identified in the concurrently filed Request For Continued Examination. Should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees, or credit any overpayments, to the Nixon Peabody Deposit Account No. 50-4181, Order No. 247079-000231USPT.

Dated: April 24, 2008

Respectfully submitted,

/Peter J. Prommer, Reg. No. 54743/  
Peter J. Prommer  
NIXON PEABODY LLP  
161 North Clark Street, 48th Floor  
Chicago, IL 60601-3213  
(312) 425-3900 – main  
(312) 425-3909 – facsimile

Attorney For Applicants